

**ORDINANCE NO. 3
SERIES 2001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SUBMITTING TO THE REGISTERED ELECTORATE OF THE CITY TWO AMENDMENTS TO THE CITY OF GUNNISON MUNICIPAL HOME RULE CHARTER; ESTABLISHING THE BALLOT QUESTIONS TO BE SUBMITTED TO THE REGISTERED ELECTORS OF THE CITY WITH RESPECT TO SAID CHARTER AMENDMENTS; SETTING FORTH THE FULL TEXT OF THE PROPOSED CHARTER AMENDMENTS; AND ORDERING THE BALLOT QUESTIONS AND TEXT OF THE PROPOSED AMENDMENTS TO BE PUBLISHED.

WHEREAS, the City of Gunnison, County of Gunnison, State of Colorado (the “City”) is a duly organized and acting home rule city of the State of Colorado created and operated pursuant to Article XX of the Constitution of the State of Colorado and the City of Gunnison Municipal Home Rule Charter (the “Charter”); and

WHEREAS, Section 11.11 of the Charter provides that the Charter may be amended in the manner provided by the Constitution of the State of Colorado; and

WHEREAS, Article XX, Section 5, of the Constitution of the State of Colorado and Section 31-2-210 Colorado Revised Statutes set forth the procedure for the amendment of the Charter; and

WHEREAS, the City Council has determined that, with the approval of the registered electors of the City, the Charter should be amended so as to allow fines and penalties for municipal ordinance violations, in conformance with the statutes of the State of Colorado; and

WHEREAS, the City Council has determined that, with the approval of the registered electors of the City, the Charter should be amended so as to require that any annual departmental appropriation, or any portion thereof, remaining unexpended and unencumbered at the close of the fiscal year, shall revert to the respective fund; and

WHEREAS, it is necessary to provide for the publication of the full text of such Charter amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. The question of whether the Charter shall be amended so as to amend the limitation on violations for municipal ordinance to be consistent with Colorado state statute, and to require that any annual department appropriation, or any portion thereof, remaining unexpended and unencumbered at the close of the fiscal year, shall revert to the respective fund, shall be submitted to the registered electors of the City of Gunnison at the regular municipal election to be held May 8, 2001.

Section 2. At such election, the following ballot questions concerning the amendment of the City of Gunnison Municipal Home Rule Charter shall be submitted to the registered electors of the City:

Amendment No 1:

Shall Article VI, Section 6.5 of the City of Gunnison Municipal Home Rule Charter, be amended so as to allow the City Council to set the penalties for violation of municipal ordinance consistent with the statutes of the State of Colorado?

Yes

No

Amendment No. 2:

Shall Article VII, Section 7.12 of the City of Gunnison Municipal Home Rule Charter, be amended so as to require that any annual departmental appropriation, or any portion thereof, remaining unexpended and unencumbered at the close of the fiscal year, shall revert to the respective fund?

Yes

No

Section 3. The full text of each of the amendments to the Charter is set forth in Appendix A, attached hereto and incorporated herein by this reference.

Section 4. The City Clerk shall publish the ballot questions with respect to amendment of the Charter and the full text of the amendments to the Charter to be submitted to the registered electors prior to the election.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 13th day of March, 2001, on first reading, and introduced, read, and adopted on second and final reading this 27th day of March, 2001.

Mayor

ATTEST:

City Clerk

APPENDIX A

Amendment No. 1:

Shall Article VI, Section 6.5 of the City of Gunnison Municipal Home Rule Charter, be amended so as to allow the City Council to set the penalties for violation of municipal ordinance consistent with the statutes of the State of Colorado?

The full text of Amendment No. 1: Article VI, Section 6.5 of the City of Gunnison Municipal Home Rule Charter shall be amended to read as follows:

Section 6.5 Penalties for Violation of Ordinances:

The Council shall provide for the enforcement of its ordinance, where applicable, by fine or imprisonment, or both; but no such fine nor imprisonment shall exceed the fine or imprisonment authorized for municipal ordinance violations as set by statutes of the State of Colorado.

Amendment No. 2:

Shall Article VII, Section 7.12 of the City of Gunnison Municipal Home Rule Charter, be amended so as to require that any annual departmental appropriation, or any portion thereof, remaining unexpended and unencumbered at the close of the fiscal year, shall revert to the respective fund?

The full text of Amendment No. 2: Article VII, Section 7.12 of the City of Gunnison Municipal Home Rule Charter shall be amended to read as follows:

Section 7.12 Departmental Appropriations Revert:

Any annual departmental appropriation, or any portion thereof, remaining unexpended and unencumbered at the close of the fiscal year, shall revert to the respective fund.